



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKETT NO.
08/284,199	8/2/94	Burrell	1130261 cont.

EXAMINER	
Fox	
ART UNIT	PAPER NUMBER
180 3	15

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Dr. Michael M. Burrell

(3) David Fox

(2) Joseph Eiseley

(4) Kenneth MacLean

Date of interview 2/5/97

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description: proposed amendment; data re use of >1 gene to show lack of deleterious effects in plants; to be resubmitted in declaration form

Agreement was reached with respect to some or all of the claims in question. was not reached.

Claims discussed: All

Identification of prior art discussed: van Schaeven et al.

Proposed amendment

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: appears to address 112 2nd issues and 102 or 103 issues; removal of references in claim 2 and others, and naming of semiidem in claim 69 also discussed. 112 1st ie >1 gene at a time addressed by data to be submitted in declaration form for further consideration. Van Schaeven et al urged to be unpersuasive, as it taught epistatic expression and predictable variability in transfectants. Examiner suggested amendment to address epistasis; variability issue to be considered further. References re PFP and PK in transf. plants to be resubmitted. New references re gene sequence

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

A. Deed J. B.

Examiner's Signature

PTOL-413 (REV. 2-93) argued to be distinguishing.
Original for insertion in right hand flap of file wrapper.